

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA**

MICHAEL CONDO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No.: _____
CONVERGENT OUTSOURCING,	)	
INC.,	)	[Removal from the Columbia County
	)	Magistrate Court, Case No. 2019-SCS-
Defendant.	)	1378]
	)	
	)	

**DEFENDANT’S NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §§  
1331, 1441(C), AND 1446**

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA:**

**PLEASE TAKE NOTICE** that Defendant Convergent Outsourcing, Inc. (“Defendant”) hereby removes the action described below from the Magistrate Court of Columbia County, Georgia, to the United States District Court for the Southern District of Georgia, pursuant to Sections 1331, 1441(c), and 1446 of Title 28 of the United States Code (“U.S.C.”). As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. §1441 because Defendant has satisfied the procedural requirements for removal and this Court has subject matter

jurisdiction over this action pursuant to 28 U.S.C. § 1331. In support of this Notice of Removal, Defendant states as follows:

**I. THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. SECTIONS 1331 AND 1441**

On March 29, 2019, Plaintiff Michael Condo (“Plaintiff”) filed a Complaint in the Magistrate Court of Columbia County, Georgia (“Magistrate Court”) against Defendant, Case No. 2019-SCS-1378. In the Complaint, Plaintiff alleges that Defendant “continues to call in order to contact previous owner of cell phone...I continue to be contact [sic] by human and robot callers from said company despite being on do not call registry.” An action based on a telephone call that violates the do-not-call-list regulations is governed by and provided for in subsection (c) of Section 227 of the Telephone Consumer Protection Act (“TCPA”) and accompanying regulation 47 C.F.R. § 64.1200(c). 47 U.S.C. § 227(c). The Complaint and all other process, pleadings, and orders served on Defendant on July 24, 2019 are attached hereto as **Exhibit A**, as required by 28 U.S.C. §1446(a).

Because this action arises under federal law (TCPA), which can be ascertained from the face of Plaintiff’s Complaint, this Court has original jurisdiction pursuant to 28 U.S.C. §1331. Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

## **II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED**

On or about March 29, 2019, Plaintiff filed this action in the Magistrate Court. Upon information and belief, Defendant was served with the Complaint on July 24, 2019. This Notice of Removal is timely in that it was filed within 30 days from the time Defendant had notice that the action was removable, and less than a year after the commencement of the action. See 28 U.S.C. §1446(b).

The Columbia County Magistrate Court is located within the United States District Court for the Southern District of Georgia. See 28 U.S.C. §90(c). Thus, venue is proper in this Court because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a).

In compliance with 28 U.S.C. §1446(d), Defendant will serve on Plaintiff, and file with the Clerk of the Magistrate Court written notice of the filing of this Notice of Removal, including providing all parties and the Magistrate Court with a copy of this Notice of Removal as an attachment thereto.

No previous application has been made for the relief requested herein.

WHEREFORE, Defendant respectfully removes this action from the Magistrate Court to this Court pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

Respectfully submitted this 22<sup>nd</sup> day of August, 2019.

**FIELDS HOWELL LLP**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing  
**DEFENDANT’S NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §§ 1331,  
1441(C), AND 1446** on all parties, via electronic transmission and via United States  
mail with proper postage affixed thereto as follows:

Michael A. Condo  
2724 Summit Ridge Rd  
Evans, Georgia 30809

Respectfully submitted this 22<sup>nd</sup> day of August, 2019.

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